Marine Life Protection Act Initiative

Public Comments Submitted

through October 13, 2010

From: John Corbett
Sent: Thursday, October 07, 2010 9:23 AM
To: MLPAComments
Cc: Ken Wiseman; Satie Airame
Subject: Very High SMR No Take

Dear MLPA comments:

Please provide the definition of "No take" and Low protection in your "North Coast Levels of Protection, (LOP) Very High level of protection as promptly as you can.

I would like to further request the answer to the following questions about the "No take" LOP Very High Level of Protection.

I assume it includes both commercial and recreational activities. Is that correct?

I assume it means no legal take. Is that correct?

Under the federal Environmental Species Act there are incidental take permits through Habitat Conservation Plans. Are such takes allowed within the no take?

What about California State Environmental Species Act Habitat Conservation plans?

I assume that "no take" also allows "takes" for scientific research. Is that correct?

Thanking you in advance for your time and consideration.

John W. Corbett

Ms. Cindy Gustafson, Chair
MLPA Blue Ribbon Task Force
Marine Life Protection Act Initiative
c/o California Resources Agency
1416 Ninth Street, Suite 1311 Sacramento, CA 95814

Dear Chair Gustafson,

I strongly urge the Blue Ribbon Task Force to accept the NCRSG unified proposal without changes. Any alterations to the proposal could undermine community support and the significant efforts made to reach consensus and compromise by the NCRSG.

Thank you,

OCT. 6, 2010

Michal Staninec
103 Bonita St.
Sausalito, CA 94965

From: John Corbett
Sent: Friday, October 08, 2010 1:50 PM
To: MLPAComments
Cc: Megan Rocha
Subject: Proposed SAT Question

Dear SAT:

Has the SAT established a confidence level or range of error for your take estimate model? Specifically I am referring to one of your "three important" LOP assumptions:

Any extractive activity can occur locally to the maximum extent allowable under current state and federal regulations"

If you have established a confidence level or range of error can you please describe what method was used and the formula of calculation.

The Yurok Tribe fully recognizes that you have been advised to use this assumption by the Department of Fish and Game. That, however, a very different issue than whether you have established or reviewed the confidence level of the assumption.

Thanking you in advance for your time and consideration.

John W. Corbett

From: Loretti Vanzetti
Sent: Friday, October 08, 2010 5:17 PM
To: MLPAComments
Cc: corbett4@aol.com; John Corbett; Megan Rocha; Loretti Vanzetti
Subject: Request for Reconsideration

Sent on behalf of John W. Corbett, Senior Attorney.

Loretti Vanzetti
Legal Secretary
Yurok Tribe
Office of the Tribal Attorney

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190 Klamath Blvd.
Klamath, CA 95548

YUROK TRIBE

190 Klamath Boulevard • Post Office Box 1027 • Klamath, CA 95548

October 8, 2010

Marine Life Protection Act Initiative
c/o California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814

Re: Science Advisory Team (SAT) Question Rejection

Dear SAT Members:

The Yurok Tribe is in receipt of your explanation as to why you are rejecting our questions (a copy is attached). Some background to the questions may prove helpful. Under the Marine Life Protection Act (MLPA) rules as defined by the MLPA staff, Native Americans have an extraordinary high burden of proof. Merely showing that Native American harvesting for the last 6,000 years has had no effect on the marine resources is not good enough. Native Americans also have to show that "recreational" harvesting by Indo-European and all other ethnic groups have no effect on the intertidal marine environment. The Yurok Tribe did not anticipate the high levels of concern expressed about Tribal barnacle and mussel harvesting. Most of our prior marine research and surveys were concentrated on testing for toxins in mussels and marine fish surveys.

While we do not want to be speaking for the BRTF, MLPA staff, and of the California Fish and Game Commission, it is common knowledge that they are considering adopting intertidal avoidance proposals.

We have been informed for many months by MLPA staff that the level of access is a significant consideration in determining the appropriateness of avoidance. Past MLPA deliberations by the California Fish and Game Commissions also support the conclusion that access is an important avoidance consideration.[1]

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[1] FISH AND GAME COMMISION STATEMENT OF FACTS CONSTITUTING NEED FOR EMERGENCY ACTION. Emergency Action to amend Section632, Title 14 CCR re: Stewarts Point Marine Reserve page 3 "The Rancheria has 80 percent unemployment, is in a remote location, with a poor access road and with few opportunities within a long winding drive" (emphasis added).
Access issues were implicit in South Coast Study Area Military Preserve see "Military Use Areas in the Study Region".

Many of the limitations on recreational harvesting are a combination of factors that effectively limit access. There are two key types of lack of accessibility that we need to show. The first is the lack of access by land which you have previously turned down our presentation on. The second is we have to show that Self Contained Underwater Breathing Apparatus (SCUBA) and snorkeling access is limited. The Fish and Game code effectively prohibits SCUBA divers from gathering mussels or barnacles[2]. I have attached a letter from Mr. Charlie Notthoff, Notthoff Underwater Service, based upon his thirty-eight years of diving experience throughout California, that rough seas and the lack of visibility effectively limit snorkeling in the ancestral boundaries of the Yurok Tribe.[3] Many of his working dives are made in a visibility of one foot or less.

When I took my SCUBA diving class from the Humboldt State University extension many years ago, the training was in an indoor pool. To graduate, we participated in two dives in Trinidad Harbor. We were instructed to reach out with our arms so that we would not bump our head on a rock given the lack of visibility. As a graduation celebration, we left for a 6 hour 52 minute round trip drive to Van Damme State Parke to take advantage of the greater underwater visibility to hunt for abalone.

There are also dive boat statistics attached showing not much activity in the North Coast region. In the year 1997, there was zero[4] . A review of the past SAT deliberation videos show that such experienced testimonials such as presented by Mr. Notthoff, Fish and Game Use Charts, and other personal testimony are often quickly dismissed as anecdotal.

The Science Panel has consistently expressed the desire for data based decision making.

The Yurok Tribe searched for Google satellite pictures of the California shoreline. The pictures clearly showed that you could actually see the bottom of the ocean in San Diego and the waters were cloudy in the North Coast. We discussed this approach with Satie Armie. She pointed out that without details as to the height of the photo and information about the camera and film, such photos would be of dubious scientific value. She also pointed out that a single picture or even a group of pictures would not be enough to establish a significant year around pattern. The Tribe did discuss the idea of downloading many satellite images and developing an argument that the odds are

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[2] 14 CRR 29.05 (d) In all ocean waters skin and Self Contained Underwater Breathing Apparatus (SCUBA) divers may take invertebrates a sprovided in this outside except that in all ocean waters north of Yankee Point (Monterey County) SCUBA may be used only to take sea urchins, rock scallops and crabs of the genus Cancer.

[3] There is another important factor which is the ambient weather and temperature. On hot days, more people go to the beach and skin dive than on cold days. Weather records are readily available showing the colder temperatures of the North Group area. Psychological factors are too complex for us to provide an analysis at this time.

[4] California Living Marine Resources: A Status Report California Department of Fish and Game, December 2001, Table III-7. Annual number of CPFV boat and angler trips in 1995 – 1998, by area and trip type (see enclosure).

astronomical that every photograph on different dates were all atypical. The Tribe was worried about SAT disagreements of probability theory. The Tribe considered getting hundreds of satellite photographs over the years and conducting a fully fledged survey of satellite pictures over a three-year period. The cost was estimated to be between $20,000 and $40,000. There were concerns on how you can establish objective criteria for photograph interpretation. While scanning different light wave lengths had some merit there were anticipated problems from differences in weather and the time of day when the photographs were taken. A well trained observer can easily make such interpretations, but they are difficult to objectively quantify by light frequency band width. Lastly, we were concerned that yet another set of data might be required by the SAT.

There seemed to be two quantifiable data sets. The TERAFIN website for chlorophyll reports is often used to determine diving visibility on the California coast. The Chlorophyll report captures algae production from upwelling water. The more algae there is, the less visibility. A review of the data showed hourly readings. Since a comparison was sought of readings they would have to be compiled in three different locations. The data is given in one hour increments for each of the twenty-four hours. Twenty-four times three sites would be 72 readings a day. This comes to 26,280 readings per year. We did not know whether the Science Panel would accept three years of data or would require five years of data. Three years constituted 78,840 data inputs into the computer. We were and are convinced today that someone on the Science Panel is knowledgeable about such cumulative impacts and prior studies that would negate the need for such a costly study.

Of course sedimentation must be considered as well. The North Coast is famous for the high sediment loads of our rivers which drain directly from the Coastal Mountain Range. The Eel, Mad and Klamath carry out to the ocean enormous quantities of sediment into the marine area.

> "*The Eel River draining the Coast Range of northwestern California has the highest recorded average suspended sediment yield per drainage area of any river of its size or large unaffected by volcanic eruptions or active glaciers in the conterminous United States (1,720t/km 2yr from 9,390 km 2; Brown and Ritter, 1971)*". U.S. Forest Service Publication information

There are strong currents that alternate south to north and north to south that places sediment in the intertidal areas.

We had some NASA scientists volunteer to help us gather this marine data. NASA has a marine oceanography division. We thought about their generous offer and concluded why should we go to NASA when we already have a MLPA SAT created to prepare data for the BRTF?

These are matters of quantitative science that make more sense to submit to the SAT than to the Blue Ribbon Task Force (BRTF). These issues were typed up as questions since the SAT has steadily declined to let us make presentation to the Panel or get on the agenda in any other way.

In conclusion, the Science Panel should consider the questions because a key role of the SAT should be the analysis of quantifiable scientific data. The information would prove useful to the Blue Ribbon Task Force and California Fish and Game Commission policy deliberations on avoidance. Lastly, the production of such information would allow the public a cost effective way to participate in the MLPA process.

The Yurok Tribe requests you reconsider your decision to not answer our questions.
Thanking you in advance for your time and effort in reviewing this reconsideration.

Sincerely,

John W. Corbett
Senior Attorney

JWC:lv

P.S. The questions are narrowly drawn to the science data issues so that the policy decision remains with the BRTF.

Attachments: Satie Armie e-mail rejecting proposed Tribal Questions
Notthoff letter
Marine Resources Dive boat chart
U.S. Forest Service Tree Search, Pacific Southwest Publication Information, Eel River
Proposed Questions

Loretti Vanzetti

From: John Corbett
Sent: Friday, October 08, 2010 4:17 PM
To: Loretti Vanzetti
Subject: FW: Thanks! Follow up on questions

-----Original Message-----
From: Satie Airame [mailto:airame@msi.ucsb.edu]
Sent: Wednesday, September 29, 2010 1:47 PM
To: John Corbett
Subject: Thanks! Follow up on questions

Hi John,

I think the phone line must have been cut during our conversation!
Please let me know if there are any additional thoughts you wanted to share.

Thank you so much for following up with me on the science questions you submitted to MLPAcomments. As I noted, the SAT co-chairs reviewed the questions and did not find an explicit link between the questions and MPA design and evaluation under the MLPA and round 3 of the MLPA Initiative. Therefore, the SAT co-chairs did not forward the questions to the SAT work groups. If you would like, you may revise the questions, making the explicit link to MPA design and evaluation, and resubmit them to MLPAComments@resources.ca.gov. Also, please feel free to bring your questions and comments to the upcoming SAT meeting in Eureka on October 13-14, 2010.

Thanks again!
Satie

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Satie Airamé
Science and Planning Advisor
Marine Life Protection Act Initiative
Bren School of Environmental Science and Management University of California Santa Barbara, CA 93106-5131

Phone: 805-893-3387
Fax: 805-893-7612

NOTTHOFF UNDERWATER SERVICE
2109 Stevens Way
McKinleyville, CA 95519
(707) 839-8671

August 27, 2010

Tribal Council Chairperson Thomas O'Rourke.
Yurok Tribe
P.O. Box 1027
Klamath, CA 95548

Subject: Ocean Conditions on California's North Coast

Mr. O'Rourke,

I have been teaching scuba classes and diving professionally in Humboldt, Del Norte, and Mendocino Counties since 1978, and recreationally since 1973. During that time, I have made over 4000 dives in various locations including Cape Mendocino, Patrick's Point, and Humboldt Bay. Due in part to this experience, I was nominated and served as a member of California Marine Life Protection Act's North Coast Regional Stakeholders' Group.

The northern California coast, particularly north of Cape Mendocino presents unique challenges for those who dive or access the ocean in this region. Due to these challenging conditions, pressure from divers on resources in this region is minimal.

Our near-shore area is heavily affected by silt from the Eel, Mad, and Klamath Rivers. This substrate combined with frequent high surf seriously limits underwater visibility most of the year. Periodic upwelling of deep ocean waters brings nutrients to shallower waters. Plankton blooms are triggered when these nutrient-rich waters encounter sunlight, further reducing visibility.

Many of my working dives are made in visibility of 1 foot or less. Due to these long periods of poor visibility, most divers choose to dive elsewhere. Those who choose to dive along the north coast, do so only during short periods of calm clearer water.

Large portions of this coast are only accessible by boat and then only on calmer days. The small number of divers capable of reaching these areas during limited windows of opportunity impact ocean resources minimally.

These challenging ocean conditions along California's north coast provide significant protection for ocean resources.

Thank you for your time,

Charlie Notthoff
National Association of Underwater
Instructors #5174L

Table III-7. Annual number of CPFV boat and angler trips in 1995-1998, by area and trip type.

Area/Trip Type	1995	1996	1997	1998	Avg.
Northern California					
Total Fishing Trips:	6,806	6,021	5,456	6,175	6,115
Salmon	2,948	3,264	1,808	1,554	2,394
Rockfish/lingcod	3,222	2,161	2,839	3,410	2,908
Salmon/rockfish/lingcod	321	519	553	1,034	607
Other/unspecified	314	77	256	177	207
Total Dive Trips	26	15	0	10	13
NoCA Total	6,832	6,036	5,456	6,185	6,128
Central California					
Total Fishing Trips:	169,402	137,312	165,899	133,133	151,437
Salmon	86,899	56,567	78,202	48,645	67,578
Rockfish/lingcod	58,008	52,865	52,233	51,795	53,725
Salmon/rockfish/lingcod	5,098	3,408	5,135	3,777	4,354
Strbass/sturgeon	2,522	3,720	5,572	5,349	4,291
Shark	1,012	526	628	428	648
Tuna	140	1,127	6,500	4,014	2,945
Other/unspecified	15,723	19,099	17,629	19,125	17,894
Total Dive Trips	1,126	1,249	716	38	782
CenCA Total	170,528	138,561	166,615	133,171	152,219
Southern California					
Total Fishing Trips-CA:	408,547	435,940	554,117	483,420	470,506
Rockfish/lingcod	31,684	34,923	30,525	26,595	30,932
Tuna	12,006	2,992	13,586	18,124	11,677
Other/unspecified	364,857	398,025	510,006	438,701	427,897
Total Fishing Trips-Mex:	58,074	74,846	99,304	106,504	84,682
Tuna	35,691	34,692	56,029	62,164	47,144
Other/unspecified	22,383	40,154	43,275	44,340	37,538
Total Dive Trips-CA	37,089	43,128	44,938	33,014	39,542
Total Dive Trips-Mex	446	790	394	659	572
SoCA Total	504,156	554,704	698,753	623,597	595,303

Source: CPFV logbooks.

California Living Marine Resources - A Status Report - California Department of Fish and Game and Resources Agency, 2001

Note the huge difference between dive trip numbers in Southern California and Northern California. Also note that the category Northern California includes areas well south of the Humboldt County border where the diving conditions are better.

THE EEL RIVER, NORTHWESTERN CALIFORNIA; HIGH SEDIMENT YIELDS FROM A DYNAMIC LANDSCAPE

Thomas E. Lisle

The Eel River draining the Coast Range of northwestern California has the highest recorded average suspended sediment yield per drainage area of any river of its size or larger unaffected by volcanic eruptions or active glaciers in the conterminous United States (1,720 t/km^{2}yr from 9,390 km^2; Brown and Ritter, 1971*)*. These high rates of erosion and sediment transport result from a combination of widespread tectonic deformation of the underlying rocks, recent rapid uplift of the landscape, high seasonal rainfall, and widespread disruption of the ground surface by man in the last century. Not surprisingly, the basin has some unusual geomorphologic characteristics. Sediment-transporting processes on hillslopes and in channels are closely linked, and as a result, high-magnitude, low-frequency climatic events are more responsible for forming channels than in most other areas.

BASIN CHARACTERISTICS

Geology

The Eel River basin is underlain almost entirely by the Franciscan assemblage of complexly deformed, continental margin deposits of Late Jurassic to mid-Tertiary age (Bailey and others, 1964; Jones and others, 1978). The area has undergone uplift since mid-Miocene time (Bailey and others, 1964). Franciscan rocks are predominantly sandstone and shale, but also include tectonically emplaced blocks of volcanics and low-grade metamorphic rock. Bedrock has been pervasively sheared to various intensities over the basin. Zones of weakness trending generally north-northwest have created a trellis network of drainages. Narrow, deeply cut canyons incised below moderately dipping upper slopes, on which older soils are developed, attest to recent or ongoing uplift of the area, although local downwarping has formed isolated depositional basins in the Eel valley (Kelsey, 1982).

Hydrology

The Mediterranean climate of the area is conducive to the production of high sediment yields. Annual precipitation is heavy (averaging 1,500 mm basinwide and 2,800 mm at high elevations) and seasonal, with 90 percent falling between October and April. During winter, northern California has the highest latitudinal temperature gradients of any area in the Pacific Northwest (Janda and Nolan, 1979). This produces intense storms that commonly travel perpendicular to the trend of the Coast Range, which are as high as 2,000 m in the Eel basin. As a result, large cyclonic storms lasting several days have produced widespread rainfall totaling more than 250 mm on several occasions in the last 40 years (Harden and others, 1978).

Runoff from the basin, averaging 890 mm annually, is highly variable because of seasonality of rainfall, infrequent large storms, and poor retention of water in the basin. At Scotia (Fig. 24), the discharge equaled or exceeded 99 percent and 1 percent of the time equals 0.0004 $m^3sec^{-1}km^{-2}$ and 0.8 $m^3sec^{-1}km^{-2}$, respectively (Rantz, 1972). Most importantly from a geomorphic standpoint, large flood flows are generated by moderately intense rain falling over the entire basin for a number of days and, in some cases, by snowmelt during warm winter storms (Harden and others, 1978). Little flood runoff is stored in the basin due to the steep slopes and constricted valley bottoms.

Sediment yield

High suspended-sediment discharges from this area result from a combination of high sediment concentrations (averaging 3,000 ppm over discharge at Scotia; Holeman, 1968) and, particularly, high rates of runoff (Janda and Nolan, 1979). Gullying and mass movement accelerated by human disturbance of the erodible terrain provide inexhaustable supplies of fine sediment that can be carried quickly to stream channels (Nolan and Janda,. 1982*)*. With increasing precipitation, there is greater surface erosion of broken ground in active earthflows and on soil bared by grazing, timber harvesting, and road building. Also, increasing soil moisture and erosion of toes of streamside slides and earthflows can accelerate mass movement directly into channels. Finally, high annual precipitation in the basin does not promote a denser protective cover of vegetation than in areas with less precipitation. Little of the precipitation falling in winter can be utilized for plant growth, and under natural conditions the basin is already well vegetated except on steep hillslopes along downcutting channels. As a result, sediment discharge increases with annual precipitation in the Coast Range (Janda and Nolan, 1979), unlike most other areas (Langbein and Schumm, 1958; Wilson, 1973).

Also unlike most areas, suspended sediment discharge per unit area in the Eel River increases with basin size (Brown and Ritter, 1971; Janda and Nolan, 1979). Because of ongoing uplift, main channels are commonly more deeply incised than their tributaries, and so streamside landslides, which are major sources of sediment, are particularly abundant along main channels. Parent material is generally soft and friable, and thus, bed particles rapidly break down into smaller sizes (Knott, 1971). Consequently, suspended-sediment load increases downstream at the expense of bedload (Brown and Ritter, 1971).

VARIATIONS IN GEOMORPHIC FORMS AND PROCESSES

The geologic complexity and youthfulness of the landscape are reflected in the variety of hillslopes and channels. Lithology and the degree of fracturing of the bedrock control local erosion rates, erosional landforms, and channel morphology (Janda; 1979).

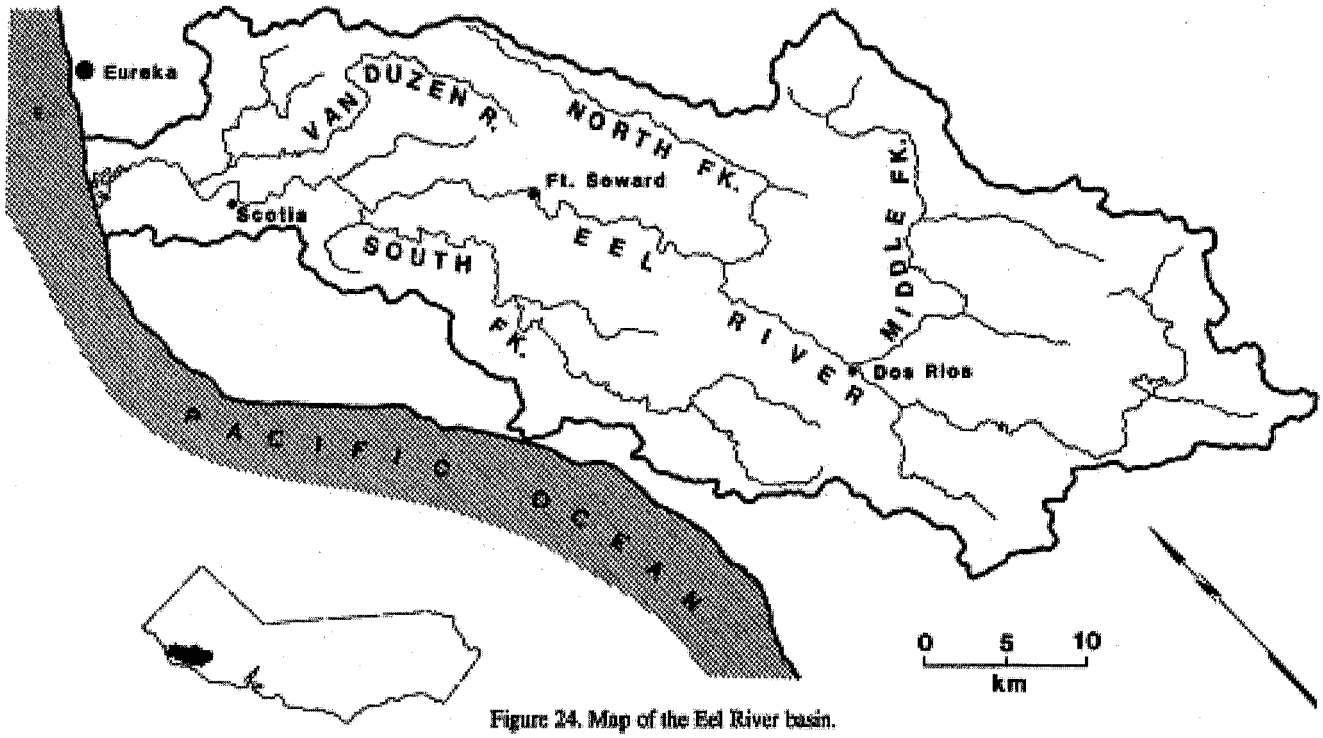


Figure 24. Map of the Eel River basin.

Mélange terrain

Highly fractured mélange units in the middle reaches of the Eel and Van Duzen basins contain abundant streamside slumps and earthflows that directly contribute large volumes of sediment to channels (Brown and Ritter, 1971; Kelsey, 1980). Estimated average annual sediment yield from a stream draining an earthflow is 24,000 t/km^2 (Kelsey, 1980)-about ten times that for the Eel basin as a whole. Sixty-eight percent of the suspended sediment discharge of the Eel River upstream of Scotia comes from 36 percent of the basin-the reach between Dos Rios and the junction with the South Fork (Fig. 24) - which contains the greatest areas of m6lange, earthflows, and streamside slides (Brown and Ritter, 1971).

Most of the sediment from mélange terrain is sand or finer material eroded from toes of carthflows (Nolan and Janda, 1989) and from gullies cut on steep and disrupted hillslopes (Kelsey, 1980). However, earthflows that impinge on channels can contribute blocks of exotic material as large as 10 m and more in diameter and create extremely narrow, steep, coarse channels. These constrictions have led to the formation of depositional reaches upstream that have wide, alluvial channels and gentler streamside slopes. The alternation of these contrasting reaches produces large-scale steps in longitudinal channel profiles (Kelsey, 1980).

Competent terrain

Areas of more competent, graywacke sandstone are generally forested, have lower mass transport rates than mélange terrain, and contain "V"-shaped valleys with steep straight hillslopes. Debris slides and avalanches are the predominant sediment sources. These contribute abundant coarse material to channels, but maximum particle size is smaller than that from earthflows. Stream gradients are not unusually steep, and most coarse material entering from hillslopes can be transported downstream during annual floods. Average annual sediment yield from stable forested basins is estimated at 300 t/km2 (Janda and Nolan, 1979; Kelsey, 1980)-only about one-tenth of the average for the Eel basin.

Effect of land use

Although soils are generally permeable and stable on slopes less than 30° (Brown and Ritter, 1971), disturbance of the ground cover can greatly accelerate surface and mass erosion in both stable and unstable areas. Despite the low population density, large areas of the basin are affected by grazing, timber harvesting, or associated road construction. Loss of tree-root strength in uncohesive soils (Ziemer, 1981) has probably helped to destabilize clearcut hillslopes; grazing and the replacement of native perennial grasses by European annuals with shallower roots has probably increased gullying of grasslands (Kelsey, 1980). Anderson (1970) estimated that intensive timber harvesting and associated road building from about 1950 to 1975 increased sediment yields several fold. Nolan and Janda (1981) measured a 10-fold increase in suspended-sediment discharge from tractor-yarded clearcuts in tributaries of Redwood Creek. The coincidence of concentrated timber harvesting and a series of large floods, how

ever, makes it difficult to separate the effects of these two impacts on erosion and sediment yield (Harden and others, 1978; Kelsey, 1980).

EFFECTIVENESS OF LARGE FLOODS IN SHAPING THE LANDSCAPE

Several authors have concluded that high-magnitude, infrequent floods have a greater impact on the landscape relative to smaller floods in northwestern California than in other areas (Janda and Nolan, 1979; Kelsey, 1980; Lisle, 1981; Nolan and Marron, 1985). During the flood of December 1964, rainfall recorded at more than 550 mm during 48 hr in some locations produced stages in the Eel River 2 to 5 m above previous records (Waananen and others, 1971; Brown and Ritter, 1971). Peak flood discharge of the Eel River near its mouth was 26,500 m^3sec^{-1}, corresponding to runoff rates of 2.82 $m^3sec^{-1}km^{-2}$. This flood ranks among some of the world's great recorded floods for a basin of this size (Wolman and Gerson, 1978). Kelsey (1980) estimated the recurrence interval of the 1964 flood in the Van Duzen River, a major tributary, at approximately 100 yr. The flood caused profound changes in sediment transport rates and long-lasting changes in hillslopes and channels. Some morphologic changes persist today.

Sediment transport by large floods

Large, infrequent flows transport a relatively large proportion of sediment in the Eel River. At three gaging stations in the basin, discharges below which 90 percent of the suspended sediment load is carried have recurrence intervals between 3 and 16 years (Nolan and others, 1987). At these stations, the proportion of sediment carried by discharges of given frequencies increases with decreasing frequency of discharge and reaches a node at moderate frequencies (recurrence interval of 1.2 to 1.6 yr), as observed in other regions. The proportion remains high for infre-- quent discharges at the Van Duzen station, however, and increases again with further decrease in discharge frequency at the Fort Seward and Black Butte River stations. At Black Butte River, a major tributary upstream of Dos Rios, the greatest proportion of load has been transported by the most infrequent discharges.

During the 1964 flood, 105 million tonnes of suspended sediment were transported past Scotia during a 3-day period, compared to 85 million tonnes transported during the previous 8 years (Brown and Ritter, 1971). The flood accounted for 7 percent of the total sediment discharge of the Van Duzen River during a 35-yr period, and mobilized as much bed load as moves out of the basin in a century (Kelsey, 1980). Suspended-sediment concentrations at a given discharge increased several-fold and remained high for 2 to 5 years after the flood (Anderson, 1970; Knott, 1971).

Effects on channels and hillslopes

One reason why large floods are so important in shaping stream channels in the Coast Range is that material mobilized from landslides during large storms is commonly carried directly to stream channels instead of to lower hillslope sites or valley flats. Air photos of the basin taken before and after the 1964 flood (Fig. 25) show increased incidence of new landslides and long reaches of greatly widened channels (Brown and Ritter, 1971; Kelsey, 1977). For instance, the length of stream banks affected by debris avalanches increased 423 percent in the upper portion of the Van Duzen basin and 119 percent in the lower portion (Kelsey, 1977). Voluminous coarse debris from debris avalanches and torrents led to widespread channel braiding, channel widening commonly more than 100 percent, and aggradation more than several meters in some reaches (Hickey, 1969; Brown and Ritter, 1971; Knott, 1971; Kelsey, 1977). In areas where landslides were voluminous, aggradation and channel-widening downstream caused additional streamside failures by erosion of supporting material at the base of hillslopes (Kelsey, 1977; Janda and Nolan, 1979).

In addition to widening, channels adjusted to the increased sediment load by reducing bar-pool bed topography and thereby reducing hydraulic friction (Lisle, 1982). As a result, velocity increased and depth decreased at a given discharge, signifying an increase in bed-load transport capacity (Knott, 1971; Lisle, 1982). These adjustments may have accelerated the flushing of excess material from the channel networks. Associated changes in aquatic habitat may have contributed substantially to the decline in populations of anadromous salmonids in the basin (California Department of Water Resources, 1974).

Channel recovery

The 1964 flood appears to have been effective in shaping stream channels of the Eel basin, according to Wolman and Gerson's (1978) criteria, because the changes have persisted in some reaches up to the present (Lisle, 1981; Kelsey and Savina, 1985). In some reaches, channel patterns and flood deposits along the higher margins of channels will be altered little until a flood of equal or greater magnitude recurs (Kelsey, 1977).

Channels have recovered in overlapping stages dependent on a sequence of processes. First, suspended-sediment concentrations declined to pre-flood levels within about 5 years. Second, as excess bed material has been transported downstream, channel beds have degraded to stable levels at or above pre-flood elevations over periods of a few years or longer, and some reaches may remain aggraded into the next century (Kelsey, 1980; Kelsey and Savina, 1985; Lisle, 1981). These periods depend apparently on the volume and coarseness of aggraded material, channel gradient, and distance from sediment source. During channel-bed degradation, hydraulic geometries have recovered to some degree

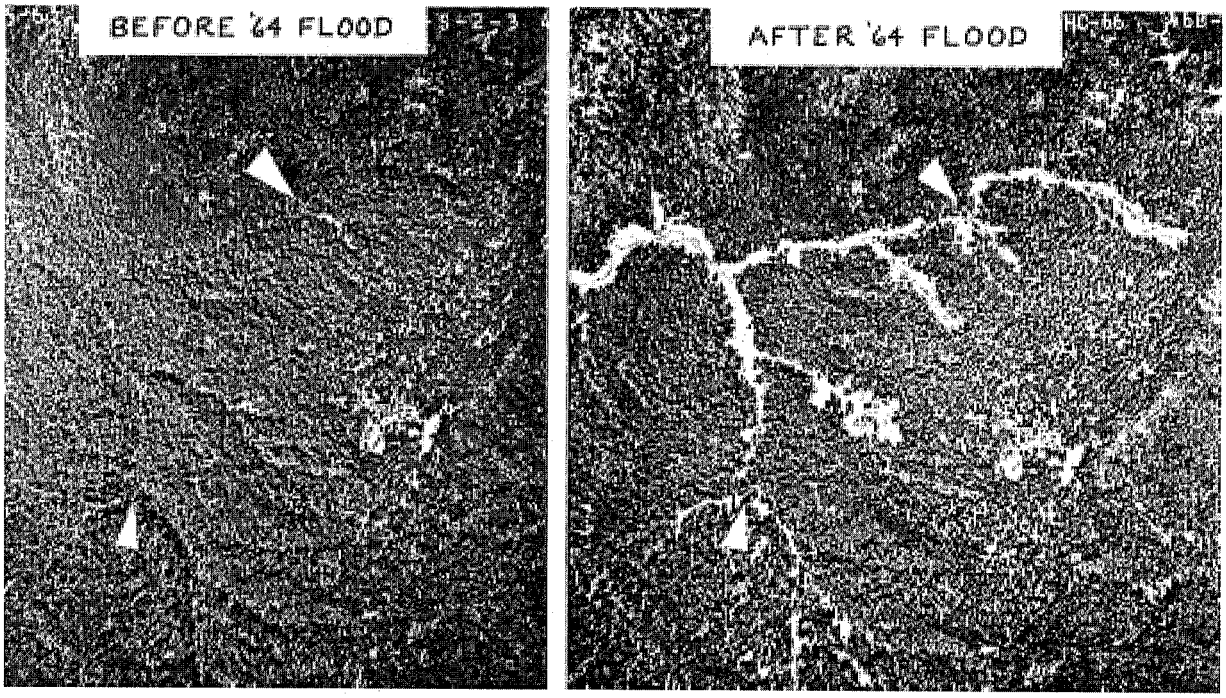


Figure 25. Aerial photographs taken in summers of 1963 and 1966 of the headwaters of the South Fork Van Duzen River, showing changes due to the 1964 flood. (From Kelsey, 1977, with permission). The white arrows identify the same channel reaches on both photos. Lighter areas in the 1966 photo were devegetated by debris avalanches, debris torrents, and widened, aggraded stream channels.

to pre-flood relations. The degree of recovery apparently depends on reestablishment of pre-flood channel widths (Lisle, 1982)--the third phase of channel recovery. Channels in alluvial reaches have incised into flood deposits, leaving a narrower channel bounded by sparsely vegetated flood deposits. Many tributary channels that are bounded on at least one bank by bedrock or colluvium have remained wide, however. Soil creep and dry ravel can be slow in replacing eroded banks, and new bank material is frequently scoured by high flows contained in narrow valley bottoms (Lisle, 1981). Riparian vegetation (primarily red alder and willow), which aids bank accretion along low-flow channel margins, is also subject to scour during high flows. Riparian trees are now well established along many reaches, however, due to the absence of large floods since 1975.

CONCLUSIONS

Erosive bedrock, rapid uplift, high seasonal rainfall, and recent disturbance by man have produced exceptionally high sediment yields from the Eel River basin. Because channels are commonly bounded by hillslopes in narrow valleys, channel morphology and sedimentology are strongly influenced by adjacent hillslope processes, which vary with the lithology and degree of shearing of bedrock. Because of the close linkage between channel and hillslope processes and the occurrence of high runoff events, large floods produce and transport a large proportion of fluvial sediment and cause widespread, persistent changes in channels. Subsequent remolding of channels by smaller discharges proceeds with the transport of excess sediment out of channels and the reconstruction of streambanks. These sequences of channel recovery can require as long as several decades.

MLPA Questions

What species in the intertidal reaches of the North Coast Region would subject human harvesters to paralytic shell poisoning from toxin-producing dinoflagellagte *Alexandrium catenella* (formerly *Protogonyaulax catenella and Gonyaulax catenella*) and Domoic Acid Toxicity and *Pseudo-nitzschia* australis) formerly *Nitzschia pseudoseriata*)? The Tribe has identified the following list: bivalve shellfish (mussels, clams, scallops, oysters), barnacles, Dungeness Crab organs, and fish anchovy. Please confirm the list and identify any other California intertidal species subject to paraletic shell fish poisoning or Domoic Acid Toxicity.

What is the annual sediment load of the Eel, Mad, and Klamath Rivers discharged to the Marine environment?

Is the quantity sediment load from the Eel, Mad, and Klamath Rivers considered significant compared to other river in California?

How is the distribution of suspended sediments affected by currents? Include an analysis of all North/south currents along the coast.

What are the effects on opacity of river discharged suspended sediments from the Klamath, Mad, and Eel Rivers.

What months the sediment discharges are the highest for the Eel, Klamath, and Mad Rivers.

Compare the chlorophyll columns or images from North of the Eel River to the Oregon border to the cholorphyl columns or images in San Diego and from the nearest data point in Mendocino from Van Damme State Park South. Are the chlorphyll colums or images higher North of the Eel River to the Oregon border than in San Diego or the nearest data point in Mendocino from Van Damme State Park South?

Does the up welling of water from deeper areas contribute to Chlorophyll columns?

Does the lack of ocean water opacity in the waters north of the Eel River to the Oregon border affect the growth of kelp?

Compare the opacity of the waters from the Eel River north to the Oregon border with the visibility in San Diego.

Are murky waters a contributing factor to a high rate of shark attacks in Del Norte and Humboldt County compared to the rest of California?

From: Thomas Jordan Fiene
Sent: Sunday, October 10, 2010 2:40 PM
To: MLPAComments
Subject: NCRSG unified proposal

Dear Chair Gustafson,

I am a Northern Californian, that loves to enjoy the beauty of the north coast, and share it with others. I am also a spearfisherman who believes strongly in conservation and in preserving the beauty and health of the north coast ecosystem for future generation to enjoy.

I strongly urge the Blue Ribbon Task Force to accept the NCRSG unified proposal without changes. I know that many experts have contributed much time and effort to come up with the best and most reasonable plan possible. Any alterations to the proposal could undermine community support and the significant efforts made to reach consensus and compromise by the NCRSG.

Thank you,
Tom Fiene
Portola Valley, CA

From: David J. Goldenberg
Sent: Monday, October 11, 2010 9:39 PM
To: MLPAComments
Subject: Fwd: MLPA SAT Letter

Dear MLPA Scientific Advisory Team

Please accept the attached comments for your next MLPA meeting from the California Sea Urchin Commission.

We remain available to answer questions.

Cordially,

David Goldenberg
Manager
California Sea Urchin Commission

-------- Original Message --------
Subject: MLPA SAT Letter
Date: Mon, 11 Oct 2010 19:48:42 -0700
From: David J. Goldenberg
To: Emily Saarman, Craig Shuman

Dear Emily and Craig,

I am the new manager of the California Sea Urchin Commission (CSUC).
The CSUC respectfully submits the attached letter and research proposal
for your consideration.

Please let us know if you have any questions.

Regards,

David Goldenberg
California Sea Urchin Commission

October 11, 2010

Science Advisory Team
Marine Life Protection Act
1416 10th Street, 13th Floor
Sacramento, CA 95814

T he California Sea Urchin Commission (CSUC) requests the SAT review and endorse to the BRTF, the adaptive management research proposal submitted herein.

The CSUC has long supported the principals of adaptive management and co-management of MPAs consistent with the Marine Life Protection Act to provide marine resource and fishery manager's real world science data critical to making informed and sound policy decisions. We believe the research protocol suggested by Dr's. Dixon and Schroeter (attached) will contribute to the success of MPAs and should be recommended as the bases for studying the commercial harvest of sea urchins and its' effects on other species of marine animals and algae.

We believe the current science in this area does not meet acceptable standards to support sound policy decisions. We are confident that this proposal and the resulting data will go a long way to remedy that situation.

Proposal - Establish a Memorandum of Understanding between the DFG, the MPA Monitoring Enterprise (ME), and the CSUC to do the following:

1) Using the Dixon/Schroeter design, jointly choose an MPA suitable for this research.
2) CSUC divers, with supervision by the DFG and ME, gather base-line data and survey the study areas; areas will have replicate harvest and non-harvest control blocks.
3) CSUC divers, who gathered the base line data, will harvest the test areas, using current urchin size limits.
4) After harvest is completed, divers will resurvey the test harvest area.
5) At 6 and 12 month intervals, divers will resurvey the entire study area, harvested and non-harvested blocks, and analyze data by comparing response variables (e.g. cover and counts of selected algae and invertebrates, along with bare space).
6) Duplicate this research in the MLPA North Central and South Coast study regions, including the Northern Channel Islands, in order to compare findings in different bio-regions.
7) Use the results of the experiment to determine when and if sea urchin densities reach a level suggesting they should be harvested within MPAs to maintain the general health and utility of the ecosystem.
8) All project data and analyses will be shared with the parties to the MOU.

Sea urchins can either be a valuable resource or destructive pest. Establishing and maintaining the proper balance between urchins and other marine life is essential for the success of MPAs and the sustainability of related fisheries and other marine life.

Thank you for considering our request in behalf of the CSUC.

Sincerely,
Tom Trumper, Dave Rudie, Bob Bertelli, and Harry Liquornik, President

Attachment

P.O. Box 2077 | Folsom CA | 95763-2077 | tel 916.933.7054 | fax 916.933.7055 | www.calurchin.org

Draft – Design for assessing effects of commercial sea urchin harvesting on kelp forest (rocky habitat < 30 m) on the North Central Coast

John Dixon & Steve Schroeter

August 27, 2010

The experiment is designed to assess the impacts of commercial sea urchin harvesting (which might be used as an adaptive management technique for SMR's and SMCA's) on kelp forest communities on the north central coast of California. The most important treatments are No Harvest and Urchin Only Harvest. The problem is how to accomplish this. The best design would allow random allocation of Harvest and No Harvest within the same general area and habitat. This could be accomplished with an Urchin Harvest Only SMCA if (1) it was a sufficiently large area to accommodate replicated treatments that were far enough apart to avoid spill over effects, and (2) it was possible for all commercial divers to agree to constrain their harvest to designated areas. One cheater would destroy the experimental treatment. If the latter approach is not possible, then one would have to pair an SMR (No Harvest) with an Urchin Only SMCA (Harvest). This design suffers conceptually from what is termed "pseudoreplication." Because the replicates are spatially restricted to a particular area that corresponds to the treatment, there is the possibility that unknown factors other than the harvest treatment may be influencing the results, which inevitably adds ambiguity to the ultimate analysis of the data.

Experimental design:

Harvesting treatment	
No Harvesting	Avoidance Areas in Urchin Only SMCA (or Paired SMR)
Urchin Harvest Only	Urchin Only SMCA
Open	Suitable Habitat Adjacent to SMCA

Model: response = $T_i+\varepsilon_i$

Replicates: 1 ha plot (100m x 100m); at least 3 per Type

Response Variables:

1. density and sizes of mobile invertebrates (including sea urchins)
2. density of stipitate understory
3. % cover of algal turf, sessile invertebrates, coralline algae and bare space
4. Area of “barrens” = bottom with no algae (kelps or turf)

Sampling frequency: semi-annual

RESOLUTION NO. 2010-13 Resolution of Support for the 3rd Round Unified MPA Array October 1, 2010

WHEREAS, the City of Point Arena recognizes the need for responsible Marine Resource Management; and

WHEREAS, the MPAs already approved during the North Central Coast MLPA process include an area of over 20 square miles within a ten mile radius of Arena Cove; and

WHEREAS, the City's main income for maintaining and operating the Arena Cove Harbor facilities comes from fishing activities; and

WHEREAS, it is in the best interests of the City of Point Arena, the Port of Arena Cove, local citizens, local fishermen and sea food gatherers, local tribal members, and all mariners in general: that no new MPAs should be added to the coast, estuaries or bays within a distance of 31 miles northward from the Point Arena SMR, and not closer than ten miles to any of the historic neighboring Ports of Albion River and Noyo River; and

WHEREAS, the California Marine Life Protection Act (MLPA) calls for the reexamination and redesign of California's Marine Protected Area (MPA) system to increase its coherence and effectiveness at protecting the state's marine life, habitat, and ecosystems; and

WHEREAS, it is consistent with the MLPA and good public policy to redesign California's MPA system in a manner that gives meaningful consideration to the sustainability of ecological, economic, cultural, and social systems; and

WHEREAS, North Coast fisheries are currently sustainable or rebuilding under existing regulations[1]; and

WHEREAS, recent scientific research has demonstrated that the California Current Ecosystem is one of the most conservatively managed ecosystems in the world[2]; and

WHEREAS, Mendocino County, Humboldt County and Del Norte County are classified as vulnerable to changes in fisheries management measures[3] due to factors such as high economic dependence on fishing, high community isolation, limited industry diversification, high unemployment, and high poverty rates; and

WHEREAS, the MLPA Initiative Regional Stakeholder Group unified during Round Three of the MLPA Initiative process to develop a consensus based MPA array (Unified MPA Array) that meets the goals of the MLPA while minimizing impacts to social, cultural, and economic systems; and

---

[1] National Marine Fisheries Service. 2009. Our living oceans: report on the status of U.S. living marine resources, 6th edition. U.S. Dep. Commerce, NOAA Technical Memo. NMFS-F/SPO-80.
[2] Worm et al. 2009. Rebuilding Global Fisheries. Science 325: 578-585.
[3] Pacific Fishery Management Council and National Marine Fisheries Service. 2006. Proposed acceptable biological catch and optimum yield specifications and management measures for the 2007-2008 Pacific coast groundfish fishery, and Amendment 16-4: rebuilding plans for seven depleted Pacific coast groundfish species; final environmental impact statement including regulatory impact review and initial regulatory flexibility analysis. Pacific Fishery Management Council, Portland, Oregon, 2006.

RESOLUTION NO. 2010-13 Resolution of Support for the 3rd Round Unified MPA Array October 1, 2010

WHEREAS, we recognize that, due to significantly distinct ecological, social, cultural and economic conditions in the North Coast, the Unified MPA Array does not precisely meet all the guidelines established by the MLPA Initiative Science Advisory Team, yet represents an MPA network consistent with the spirit of those guidelines and the goals and elements identified in the MLPA legislation; and

WHEREAS, the long term success of MPAs will require acceptance by local communities; and although many community members do not believe any new MPAs are warranted, the Unified MPA Array represents a compromise acceptable to North Coast residents, including recreational fishermen, commercial fishermen and conservation advocates; and

WHEREAS, California Indian Tribes and Tribal Communities are traditional and active stewards of marine ecosystems, and their continued gathering and use of marine resources is an ongoing and essential part of their culture and survival.

NOW, THEREFORE, BE IT RESOLVED by the City of Point Arena that we strongly urge the Marine Life Protection Act Initiative Blue Ribbon Task Force and the California Fish and Game Commission to support and adopt the Unified MPA Array developed by the Regional Stakeholder Group during Round 3 of the North Coast MLPA Initiative process.

BE IT FURTHER RESOLVED THAT if the Blue Ribbon Task Force makes the decision to redesign the Unified MPA Array contrary to the recommendation of the City of Point Arena, then the redesign must be conducted in collaboration with North Coast Regional Stakeholders. Regional Stakeholders have worked for months to design a single cohesive array that incorporates the unique ecological, social, cultural and economic conditions of the North Coast within the framework of the statewide MLPA Initiative Guidelines and MLPA legislation. Because the alteration of any single element of the Unified MPA Array has the potential to undermine its cohesiveness, collaboration with Regional Stakeholders and local communities regarding any change to the Unified MPA Array is essential to retaining both its integrity and the support of local communities, factors that are vital to the long term success of the MPA system.

BE IT FURTHER RESOLVED THAT any approved MPA array design should allow traditional, non-commercial, gathering, subsistence, harvesting, ceremonial and stewardship activities by California Tribes and Tribal Communities.

RESOLUTION NO. 2010-13 Resolution of Support for the 3rd Round Unified MPA Array October 1, 2010

Passed and adopted this 1st day of October, 2010, by the following roll call vote:

AYES: **Councilmembers Ingham, Oropeza, Riboli, Sinnott**
NOES:
ABSENT: **Councilmember Riehl**

Lauren Sinnott, MAYOR

ATTEST:

Claudia B. Hillary, CITY CLERK/ADMINISTRATOR

From: John Corbett
Sent: Tuesday, October 12, 2010 12:50 PM
To: MLPAComments
Cc: Ken Wiseman; Satie Airame; Melissa Miller-Henson; Becky Ota; Stephen Wertz; Sonke Mastrup
Subject: Yurok Tribe Announces award of polychaete study grant. FYI General announcement

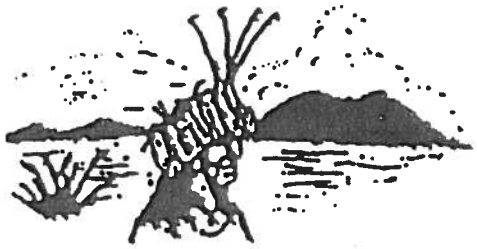
FYI

The Yurok Tribe is announcing a $177, 146 contract with the National Fish and Wildlife Foundation to:

Assist with sample collection in the field in support to measure the distribution and relative density of polychaetes at established index sites with greater spatial coverage (cross sectional and longitudinal) to include different polychaete habitat types

Conduct and complete a study to measure how polychaete relative density, population structure, and infection prevalence change on an annual cycle.

Collect and filter water samples in support of the study to measure the fish species-specific genotypes of myxozoan diseases in adult salmonids and in the water column at appropriate temporal and spatial scales including both actinospores and myxospores.



Scotts Valley Band
of Pomo Indians

SCOTTS VALLEY BAND OF POMO INDIANS
RESOLUTION NO. S.V 21 -10

Resolution to Protect and Preserve Aboriginal Gathering Rights on the Mendocino Coast

WHEREAS, The Scotts Valley Band of Pomo Indians ("Scotts Valley Tribe") is a sovereign, self-governing Indian tribe formally recognized by the United States Government; and

WHEREAS, Article VI, Section I (a) of the Constitution of the Scotts Valley Tribe invests the Tribal Council with the authority to negotiate and contract with agencies of the federal, state, local, and tribal governments, private entities, and individuals on behalf of the Scotts Valley Tribe; and

WHEREAS, Article VI, Section I (b) of the Scotts Valley Tribe invests the Tribal Council with the authority to promote health, education and general welfare of the members of the Tribe and to administer charity and such other services as may contribute to the social and economic advancement of the Scotts Valley Tribe and its members; and

WHEREAS, the Scotts Valley Band of Pomo Indians people have freely gathered coastal resources since time immemorial, and protection of the aboriginal food sources and traditional gathering places is a basic human right; and

WHEREAS, the Scotts Valley Band of Pomo Indians strives to promote and perpetuate the protection of natural resources, including historical, cultural, archaeological, and sacred sites, for future generations and thus strongly supports conservation and protection of such resources; and

WHEREAS, the Indians of California, both coastal and inland, have relied on and used coastal resources since time immemorial for subsistence, trade, ceremonial and religious practices, the protection of the

301 Industrial Ave. - Lakeport, CA 95453
(707) 263-4220 • Fax: (707) 263-4345

aboriginal food sources, and traditional gathering/harvesting practices are a fundamental human right which is important to all California Indians; and

WHEREAS, Due to this reliance on the coastal resources by California Indians, there are historic and prehistoric cultural resources sites along the coastal zones which Tribes have an interest in protecting; and

WHEREAS, Many Tribes in California have maintained prescriptive rights to fish, harvest seaweed and shell fish, and practice their religion along the coast at their usual and customary places within their traditional and historic territories as they have done since time immemorial; and

WHEREAS, Many California Tribes rely on their ability to fish, and harvest seaweed and shell fish, which are their traditional foods, and to use the shells for religious regalia and sacraments, for the physical and mental health and welfare of their members; and

WHEREAS, The State of California (State) has enacted the Marine Life Protection Act (MLPA) for the purpose of increasing coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational and study opportunities provided by marine ecosystems subject to minimal human disturbance through the creation of Marine Protection Areas (MPA); and

WHEREAS, The Task Force created to oversee implementation of the MLPA is comprised of persons from commercial, educational, and environmental communities which have no knowledge of traditional Tribal practices with respect to subsistence fishing and harvesting, and which Task Force has already made determinations detrimental to the fishing, harvesting and religious rights of California Tribes; and

WHEREAS, The State is in the process of designating coastal areas for restricted use to promote the conservation and recovery of marine plant and animal communities, but to date has not conducted government-to-government consultation with any California Tribes to discuss and assess the potential negative impacts of such restricted use on California Tribes' traditional subsistence fishing, gathering/harvesting, and religious rights, and

WHEREAS, The focus of the Task Force is to address the recreational, educational and commercial opportunities of these coastal waters, however, such uses are typically the antithesis of Tribal uses, and

therefore Tribal rights and interests have not been considered in the process, and

WHEREAS, California Tribes, as the original stewards of this land, retain original usufructary rights to protect the land, air, water, and food sources upon their homeland; and

WHEREAS, The failure of the State to conduct government-to-government consultation with Tribes violates the spirit and intent of the Federal and State consultation policies *(See Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Presidential Memorandum of November 5, 2009 on Tribal Consultation; California Government Code sections 11019.8 and 65040.12(e); California Public Resources code section 5097.9)* which are designed to assure adequate input from affected Tribes; and

WHEREAS, The failure of the State to consider Tribal rights and religious practices when designating restricted areas violates the Religious Freedom Restoration Act and the American Indian Religious Freedom Act because such designations impede the ability of Tribes to practice their traditional religions through use of the coastal areas for ceremonies, harvesting and gathering of ceremonial sustenance and objects.

NOW THEREFORE BE IT RESOLVED that the Scotts Valley Band of Pomo Indians hereby demands the State immediately engage in government-to-government consultation with California Tribes concerning the negative impacts to Tribal rights and interests by the MLPA and the designations of MPAs; and

NOW THEREFORE BE IT RESOLVED that the Scotts Valley Band of Pomo Indians demands that the State assure the protection and continued practices of California Tribes in the use of the coastal resources for subsistence, ceremonial and cultural uses when implementing the MLPA through the designation of MPAs; and

NOW THEREFORE BE IT RESOLVED that the Scotts Valley Band of Pomo Indians hereby demands an immediate exclusion for California Tribes under the California Marine Life Protection Initiative which will allow unobstructed access to fish and gather traditional foods along the California coast.

CERTIFICATION

The foregoing resolution was duly enacted on October 2, 2010 and approved by a vote of 10 ayes, 0 noes, and 0 abstentions by the Scotts Valley Band of Pomo Indians Tribal Council and that said resolution had not been rescinded or amended in anyway.

ATTEST:

Donald Arnold 10-2-10 Patricia Ray-Franklin 10-6-10

Donald Arnold, Chairman Date Patricia Ray-Franklin, Secretary Date

Resolution 21 -10

From: Rick Copeland
Sent: Wednesday, October 13, 2010 3:26 PM
To: Ken Wiseman; MLPAComments; Melissa Miller-Henson
Subject: North Coast Region MPA Round Three

Please route to the appropriate persons.

Thank you in advance

Rick Copeland

Rick Copeland
Wilderness Unlimited
www.wildernessunlimited.com
510-785-4868 ext. 102

Wilderness Unlimited - 22425 Meekland Ave., Hayward, CA 94541

October 13, 2010

MLPA North Coast Round 3 Summary

Attn: Mr. Ken Wiseman
MLPA-I Team
Regional Stakeholders
Science Advisory Team
Blue Ribbon Task Force

To whom it may concern:

The purpose of the letter is to request that the SAT if not the NCRSG review the proposed Vizcaino SMCA's boundaries or include a 1000' access ribbon to the existing based on the following:

The supposed UNIFIED front on the North Coast MPA is not in fact unified. Those who disagree include "non residents" of the north coast, whose position, while stated in the public comments earlier in the process apparently were not taken into account. The politically ineffective structure of the MPA process may be to blame for the North Coast Stakeholders group (NCRSG) operating in the fashion they choose.

If you will remember, the south coast MPA stakeholders group's proposals were ultimately disregarded because "they couldn't get it together". With that history fresh at hand, the north coast group knew early on, they would need to come away with a "unified" agreement of some sort, whether they truly had one or not.

Point in case.

The small sliver of property known as the DeVillbiss Ranch on the south end of proposed "Valerie" edition of the Vizcaino SMCA is scheduled for "protection" under the UNIFIED MPA plan. The fact that the property has been protected for over 100 years by the Soper Co. and managed by Wilderness Unlimited for 30+ years, (a self funded preserve and matter of public record) in effect, did not matter to the stakeholders group. And understandably so. The NCRSG overwhelmingly is comprised of locals and individuals of some preservation entities. Where as the users of the DeVillbiss are mostly not north coast locals.

The users of the DeVillbiss Ranch, Wilderness Unlimited members (who come to access the coast from all points of California) spend money for goods and services in the local communities. Yet even that pales in comparison to the funding stream that is used for watershed protection and stream habitat restoration by Soper Co. as part of the Wilderness Unlimited DeVillbiss preserve agreement. The partnership also maintains a 1 1/2 mile graded access road down to the ocean access point and when the seas are not typically turbulent, providing shore access to take abalone and rock fish. Not much pressure at all and additional self-imposed limits apply. Closure of this significant private preserve as proposed, will stop the money stream and impact the restoration projects as well as the usage. Economic hardship? Yes, but since it does not effect the predominant local stakeholders who have had no access to this rugged piece of property, it was either under the radar or sacrificed because of the process.

Regarding MPA process itself. The NCRSG should be applauded for the countless hours they spent negotiating for their eventual rights, privileges and in some cases economic livelihoods. Many of the stakeholders' representatives who are not local are funded for their time by groups with environmental ties and agendas. The Stakeholders process does not guarantee solid science or economic balance anyway. More than once, a members of a native people groups commented that their group were the "true protectors or conservators of the land". Truth is, they are, but in the process will be given those rights anyway due to legal concerns that muddy the entire MPA result. The DeVillbiss Ranch, a true proven conservation preserve, will cease to exist unless an adjustment is made.

Please review again the south 2 miles of he proposed Vizcaino SMCA (Valerie) and then refer to the applicable portion of the Sapphire 2 map design that was proposed at the Round 2 Stakeholders meeting. Going into the meetings on August 30, 31, the Sapphire 2 plan had decent support until the "11th" hour. I followed the process via Internet the entire first day of the Round 2 meeting as the Stakeholders worked their way down the coast (north to south). At the end of the first day, many negotiations and agreements had been made along the way. That is the process. The "native tribes" seemed to get most the concessions they wanted every step of the way only leading to a need for more overall coverage from other areas. On day two continuing down the coast, the Big Flat SMCA (nearest north of Vizcaino) boundaries and protections were reduced in size and coverage via negotiations. Then the Stakeholders group skipped the Vizcaino SMCA review and went south to the Ten Mile SMCA where the coverage was again reduced. Only after the north and south reductions were taken did the group focus on the Vizcaino SMCA. (Remember, no local connection) The habitat coverage needed to be increased somewhere as the immediate SMCA's to the north and south had been reduced. Out of the blue came a pre-negotiated deal (not released to the public prior) called "Valerie" that left the south end of the original Vizcaino plan submitted by the SAT but extended the Sapphire 2 plan of the Vizcaino SMCA an additional 2 miles excluding the DeVillbiss Ranch access area completely. The net result now is the proposed Vizcaino SMCA is the DeVillbiss Ranch, one landowner. The significant access part at the south end dumped also in the new "Valerie" deal to the tip end of DeVillbiss. Essentially closing the entire 6 miles of the Soper, DeVillbiss Ranch preserve.

The end result, the North Coast Stakeholders got their UNITED MPA proposal tag. Nobody in the public really cares because it is mostly private property anyway. That alone, does not make good science.

I have followed the MLPA process from the beginning and have seen the basic disregard for private property frontage. Mostly because the owners representing smaller groups have little leverage except for the Native People's Tribes. Interesting, because the reason for great habitat and abundant sea life of these critical private access areas is <u>because of controlled private access</u>. The further north in our coast we go the more true this point is because of the rugged shoreline and rough seas.

In the north central coast MLPA this was evident when the Richardson Ranch and part of Sea Ranch were "protected" (Sonoma County) in a SMR. Again these areas had been somewhat protected because of private access all along. It should be noted that after the North Central Coast MLPA approval a 1000' ribbon was placed on the area called Richardson Ranch SMR.

I am not sure how this occurred, but to avoid economic loss and total disregard of a significant self conservation partnerships, (Soper and Wilderness Unlimited) I implore the SAT and BRTF to review the process that led up to the scraping of the southern Sapphire 2 plan and re-install that plan or find a way to allow for a 1000' from approximately Soldier Frank Point at 39 45' 25.00 to the proposed south end of the Valerie Plan. If making Vizcaino a SMR to allow for the SMCA is the answer, please consider that alternative as well.

Lastly, I want to applaud the NCRSG for attempting to put together a MPA plan that will stand up to science and have the appearance of UNITED. I would however, request that the SAT, BRTF and ultimately the Fish and Game figure into the overall plan a 1000' ribbon by the 1 and 1/2 mile stretch of access that has been protected so well or reinstall that portion of the Sapphire 2 plan.

Respectfully,

WILDERNESS UNLIMITED

Rick Copeland

Rick Copeland, President
22425 Meekland Ave.
Hayward, CA 94541
510-785-4868 www.wildernessunlimited.com